

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:09CR27**

UNITED STATES OF AMERICA,

Vs.

KENNETH OWLE.

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ORDER

THIS MATTER is before the court on defendant's

- (1) Renewal of Motion for Provision of Complete File From Federal Medical Center Concerning Forensic Report (#61); and
- (2) Motion to have Defendant Housed in Buncombe County Pending Completion of His Mental Health Evaluation (#62).

The first motion appears to be contingent on the Federal Bureau of Prisons denying a request for medical records that was accompanied by a release,¹ and the second motion appears to be contingent on Dr. Sciari determining that a face-to-face interview is necessary.² Inasmuch as both motions are based on events that have yet to transpire, they will be denied without prejudice. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

¹ The first request was not accompanied by a release and counsel was advised by a BOP paralegal to file a *FOIA* request.

² The court shares defense counsel's frustration as the court specifically directed the Marshal to transport defendant so that he would be "housed and available in Buncombe County Jail on October 15, 2010, from 9 a.m. until 5 p.m. *for purposes of conducting a mental health evaluation* by a court-appointed mental health expert." (Order, #59)(emphasis added).

ORDER

IT IS, THEREFORE, ORDERED that defendant's

- (1) Renewal of Motion for Provision of Complete File From Federal Medical Center Concerning Forensic Report (#61), and
- (2) Motion to have Defendant Housed in Buncombe County Pending Completion of His Mental Health Evaluation (#62),

are **DENIED** without prejudice.

Signed: October 19, 2010

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

